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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,577	03/20/2006	Ronan Toulemon	11345/117001	1356

22511 7590 07/08/2010
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EXAMINER

BELCHER, HERMAN A

ART UNIT	PAPER NUMBER
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2448

NOTIFICATION DATE	DELIVERY MODE
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07/08/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/517,577	Applicant(s) TOULEMONT ET AL.	
	Examiner HERMAN BELCHER	Art Unit 2448	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The action is in response to amendment filed 04/23/2010.
2. Claims 1-5 and 7-10 are pending.
3. Claims 1-5 and 7-10 are rejected.
4. This **Action** is made **FINAL**.

Response to Amendment

5. Applicants' arguments filed 04/23/2010 regarding the prior art rejection under 35 U.S.C. 103 have been fully considered but they are not persuasive.

Applicants' argument:

The Applicant argues in substance that:

- (1) "Accordingly, the claimed invention requires, in part (i) inclusion links that point to included components necessary to form a first interactive page and facilitate display and execution of the included components; and (ii) wherein the inclusion and navigation links are identified using semantic and syntactic analysis." and "Examiner admits that Geshwind fails to disclose (i) and (ii) However, the Examiner relies on Takahashi as disclosing the aforementioned limitations. Applicants respectfully disagree."
- (2) "Takahashi does not disclose or render obvious both a semantic and syntactic analysis of document A. Rather, only "analysis of content" is disclosed. See Takahashi, col. 5,11. 46. There is absolutely no detail provided in Takahashi as to what "analyzes

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the content of the data to detect the presence of embedded object b and c" entails.

Moreover, no type of semantic and syntactic content analysis is disclosed in Takahashi".

The Examiner respectfully disagrees with the Applicant.

As to Item (1), Takahashi does disclose the following limitations as recited in claim 1

"analyzing the semantic and syntactic content of a first main file of the application to identify inclusion links and the navigation links wherein inclusion links point to included components necessary to form a first interactive page and facilitate display and execution of the included components" (Takahashi, col. 5, lines 40-59, fig. 8, reads the data contained in the page A, analyzes the content of the data to detect the presence of embedded object b and c, and a link object d ; col. 2, lines 25-29). Therefore, it is evident that Takahashi performs the same functions of the above-mentioned limitation of claim 1 of analyzing the semantic and syntactic content of a main file (i.e. Page A) and identifying the components (i.e. object b and c and object d). The association of embedded objects b and c with the Page A and object d with Page D (fig. 8) suggest associated links. The Examiner interprets the link that associates objects b and c with Page A, the inclusion links and the link that associates objects d with Page D, the navigation link. Takahashi also discloses (col. 2, lines 26-29) embedded objects b and c may be image data ...decorating the main text of the page A which suggest *"inclusion links point to included components necessary to form a first interactive page and facilitate display and execution of the included components."* . The Examiner would like

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to note that, it does not matter where the embedded objects b and c are located (i.e. separate files) as long as they are linked to the Page A and can be displayed, when executed, as part of Page A.

As to Item (2), Takahashi does disclose or render obvious both a semantic and syntactic analysis of document A. The fact that Takahashi (col. 5, lines 40-59, fig. 8) is able to read the data contained in Page A and analyze the content of the data to detect the presence of the embedded objects does disclose or render obvious both a semantic and analysis of document A which is similar to the limitation of claim 1 where the semantic and syntactic content of a first main file of the application is analyzed to identify inclusion links and the navigation links wherein inclusion links point to included components. Therefore, Takahashi does perform semantic and syntactic content analysis to able to identify embedded objects. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e. what analyzes the content of the data) are not recited in the rejected claim(s) (i.e. the recited claims are method claims). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Therefore, it is evident from the above discussions regarding Items (1) and (2) that Geshwind, in combination with Takahashi disclose and/or is able to perform the

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functions of the above-mentioned limitations as recited in independent claim 1. The Examiner respectfully contend that since the dependent claims depend on independent claim 1 and since they are rejected for other reasons as outlined in this action, the rest of the dependent claims remain rejected.

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art. Failure for the Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to that of the Applicant and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over

David Michael Geshwind (US Patent No. 6507872 B1, referred herein after Geshwind)

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in view of Kinya Takahashi (US Patent No 6697859 B1, referred herein after Takahashi).

As per claim 1, Geshwind discloses a method of transmission, from a transmission center to digital television decoders (col. 4, lines 16-22), of an application (on-line catalog) made up of a set of files containing data (content) together constituting interactive pages, a home page of application having a 0 depth level (level 0), a level 1 page (level 1) being an interactive page that can be called up through a navigation link from the home page, and more generally a page of depth n (i.e. level 4, fig. 13) being a page that can be called up with a minimum of n navigation links from the home page of depth 0, (col. 23, lines 33-67 & co. 24, lines 1-10, fig. 13) and (col. 5, lines 58-67) the method comprising:

- receiving the set of files (col. 1, lines 43-67) necessary for the construction of a plurality of interactive (interactive) pages, each interactive page comprising a main file (men's, lady's, etc., fig. 13) and included components (graphics/icon), wherein the set of files form an application or a part of the application corresponding to pages having depth levels (fig. 13, levels 1-4) lower than a predetermined level (col. 5, lines 48-57) and (col. 23, lines 33-67 and col. 24, lines 1-10, fig. 13) (col. 6, lines 1-27),**
- assigning a depth level to the first (fig. 13, "men's"- level 1) and second (fig. 13, "media" – level 1) interactive page of the application, wherein included**

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components and the main file associated with each interactive page comprises the same depth level (fig 13, level 1),

- ranking each of the first (fig. 13, “men’s”- level 1) and second (fig. 13, “media” – level 1) interactive pages by depth level, wherein the home page (fig. 13, directory, level 0) of the application has a depth level of 0 and an interactive page comprising a depth level of n is a page referenced using a minimum of n navigation links from the home page (col. 23, lines 33-67 & co. 24, lines 1-10, fig. 13),

- constructing transmission modules, wherein the files necessary for the construction of a complete interactive page and corresponding included components, are included in one or more transmission modules (col. 5, lines 48-57) where separate communication connection (logical data construct) is established or delivery of a single file comprising a document or “page” or multiple documents from the same source to the same destination and (col. 23, lines 50-61 and col. 24, lines 1-10).

Geshwind does not explicitly disclose **analyzing the semantic and syntactic content of a first main file of the application to identify inclusion links and the navigation links wherein inclusion links point to included components necessary to form a first interactive page and facilitate display and execution of the included components, and wherein navigation links reference at least a second main file of a second interactive page that is of higher or lower depth than the first interactive page.**

However, Takahashi discloses **analyzing the semantic and syntactic content of a first main file of the application to identify inclusion links and the navigation links wherein inclusion links point to included components necessary to form a first interactive page and facilitate display and execution of the included components, and wherein navigation links reference at least a second main file of a second interactive page that is of higher or lower depth than the first interactive page** (Takahashi, col. 5, lines 40-59, fig. 8) where reads the data contained in the page A (i.e. main file), analyzes the content of the data to detect the presence of embedded object b and c (i.e. identifying an inclusion link pointing to the included components), and a link object d (i.e. identifying a navigation link referencing a second main file of a second page) and (col. 2, lines 25-29).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teaching of Takahashi's method of analyzing content data to identify embedded and linked objects to Hirata's method because this would facilitate in identify files for constructing transmission modules.

As per claim 2, claim 1 incorporated and Geshwind discloses further comprising:
- defining a transmission profile comprising transmission order instructions providing that each interactive page and corresponding included components are assigned and transmitted with a priority level (col. 25, lines 55-61 and col. 26, lines 1-4) where for particular user or site, deliveries (i.e. transmitted) may be prioritized (i.e.

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priority level) and where generally people may want to get their web-page text fast, make a decision (i.e. order instructions), and wait for pictures (i.e. components) (col. 10, lines 22-32, fig. 13),

- transmitting the modules with a frequency which is dependent on the order of priorities defined in the transmission profile (col. 21, lines 48-60) where document being viewed would have highest priority within the selected document and (col. 12, lines 29-40) where weight can be assigned based on frequency of inclusion of portion (i.e. the frequency of transmitting modules is dependent on the weighting or priority).

As per claim 3, claim 2 incorporated and Geshwind discloses further comprising: allocating a level of dynamism to the transmission modules wherein the transmission modules comprising interactive pages that are modified more often than others are allocated a greater level of dynamism than the transmission modules comprising interactive pages that are modified less often (col. 12, lines 41-67) where the general principle for Probabilistic Predictive Weighting is the allocating a level of dynamism where files that are more likely the next item that the user will want to access is to weight more heavily than files that are less likely the next item that the user will want to access (thus the transmission modules wherein the transmission modules comprising interactive pages that are modified more often than others are allocated a greater level of dynamism than the transmission modules comprising interactive pages that are modified less often).

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As per claim 4, claim 2 incorporated and Geshwind discloses wherein the priority level is a decreasing function of the depth of the interactive page (col. 23, lines 51-67 and col. 24, lines 1-10, fig. 13) where level 1 is accessed then level 2 thus priority level is a decreasing function of the depth of the interactive page.

As per claim 5, claim 3 incorporated and Geshwind discloses wherein the priority level is an increasing function of the dynamism (col. 21, lines 40-61) where section of document viewed would have highest priority within the selected document and where document pyramidization would be (re-) structured so that information describing the details of the currently viewed section would be sent before (or, at least with higher weighting or priority) information describing the other parts of the document.

8. Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over David Michael Geshwind (US Patent No. 6507872 B1, referred herein after Geshwind) and Kinya Takahashi (US Patent No 6697859 B1, referred herein after Takahashi) in view of Weidong Mao et al. (US Patent No 6886178 B1, referred herein after Mao).

As per claim 7, claim 1 incorporated Geshwind and Takahashi do not explicitly disclose further comprising: selectively modifying URL access links for navigation or for inclusion in at least one interactive page to render the entire application or at least a first part of the application accessible in a transmission mode, and to render a second part of the application accessible through a return path.

However, Mao discloses further comprising: selectively modifying URL access links for navigation (navigate) or for inclusion in at least one interactive page (desired web page) to render (displayed) the entire application (broadcast HTML page) (col. 7. 41-54) or at least a first part of the application accessible in a transmission mode, and to render a second part of the application accessible through a return path (return path, Mao, col. 2, lines 33-65) where when icon is selected, page can be accessed via return path and be displayed.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teaching of Mao's method of navigating a desired page to display the broadcast HTML page and selecting an icon via a return path to display the second part of the broadcast HTML page to Geshwind's and Takahashi's method because this would allow the entire application to be rendered and displayed.

As per claim 9, claim 1 incorporated and Geshwind and Takahashi do not explicitly disclose further comprising: modifying the application to include software instructions for managing a cache memory of a digital decoder configured to receive the application, wherein the software instructions are configured to: identify the navigation links between a current interactive page displayed and interactive pages referenced by the navigation links of the current interactive page, and load, into the cache memory, said interactive pages

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referenced by the current interactive page and corresponding included components.

However, Mao discloses further comprising:

- modifying the application to include software instructions for managing a cache memory of a digital decoder configured to receive the application (col. 3, lines 20-41) where the HTML pages (i.e. application) may be accessed (i.e. instructions) directly from the rotating carousel or, depending on the amount of memory in the settop (i.e. digital decoder), some or all of the HTML pages may be locally stored in a high-speed cache memory in the settop for faster access), **wherein the software instructions are configured to:**

- identify the navigation links between a current interactive page displayed and interactive pages referenced by the navigation links of the current interactive page (web pages), **and load (stored), into the cache memory** (cache memory), **said interactive pages referenced by the current interactive page and corresponding included components** (col. 3, lines 28-59) where viewer can navigate among the HTML pages.

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teaching of Mao's method of managing a cache memory of a digital decoder configured to receive HTML pages which can be navigated to Geshwind's and Takahashi's method because this would allow for faster access of HTML pages.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over David Michael Geshwind (US Patent No. 6507872 B1, referred herein after Geshwind) and Kinya Takahashi (US Patent No 6697859 B1, referred herein after Takahashi) and Weidong Mao et al. (US Patent No 6886178 B1, referred herein after Mao) in view of Jeyaprakash K. Chittu et al. ((US Patent No. 2002/0107892 A1, referred herein after Chittu.

As per claim 8, claim 1 incorporated and Geshwind, Takahashi and Moa disclose furthermore comprising a step: quantitatively analyzing the information contained in each file (col. 13, lines 16- 23) where assessment of document's content and relationship or linkages to the weighted document(s) are viewed,

However, Geshwind, Takahashi, and Mao do not explicitly disclose as a function of the results of this analysis, deleting the interactive pages assigned a depth greater than or equal to 1 commencing with the deletion of the pages of greatest depth, until the remaining amount of data to be transmitted is equal to or less than a predefined quantitative limit.

However, Chittu discloses futhermore comprising a step: as a function of the results of this analysis, deleting the interactive pages assigned a depth greater than or equal to 1 commencing with the deletion of the pages of greatest depth, until the remaining amount of data to be transmitted is equal to or less than a

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predefined quantitative limit (pg. 7, par. 0147) where all parent's children (i.e. interactive pages) can be recursively deleting (i.e. commencing with the deletion of pages of greatest depth).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teaching of Chittu's method of deleting parent's children recursively to Geshwind's, Takahashi's, and Mao's method because this would allow flexibility in the management of the file content and transmitted data thus improving performance.

10. Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over David Michael Geshwind (US Patent No. 6507872 B1, referred herein after Geshwind) and Kinya Takahashi (US Patent No 6697859 B1, referred herein after Takahashi) and Weidong Mao et al. (US Patent No 6886178 B1, referred herein after Mao) and Jeyaprakash K. Chittu et al. ((US Patent No. 2002/0107892 A1, referred herein after Chittu) in view of Jay Unger et al. (US Patent No. 6230168 B1, referred herein after Unger).

As per claim 10, claim 7 incorporated and Geshwind, Takahashi, Mao, and Chittu do not explicitly disclose further comprising: modifying the application to include software instructions configured to provide when accessing the second part of the application through the return path, an automatic return to the transmission

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mode when a request for access to an interactive page which forms part of the transmitted pages is received.

However, Unger discloses further comprising: modifying the application to include software instructions configured to provide when accessing the second part of the application through the return path, an automatic return to the transmission mode when a request for access to an interactive page which forms part of the transmitted pages is received (col. 13, lines 62-67 and col. 14, lines 1-18) where additional components request can be made of complied file even while transmitting already received components to the browser for rendering (i.e. thus request for additional components of a file does not disable the transmission mode).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention was made to incorporate the teaching of Unger's method of accessing additional components of a file without disabling transmission mode to Geshwind's, Takahashi's, Mao's, and Chittu's method because this would ensure all the pages of file are transmitted and/or received.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HERMAN BELCHER whose telephone number is (571)270-7205. The examiner can normally be reached on Monday thru Thursday 7:30 AM thru 5:00 PM EST, Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fermin Backer can be reached on 571-272-6703. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Herman A. Belcher

Examiner, Art Unit 2448

/FIRMIN BACKER/

Supervisory Patent Examiner, Art Unit 2448